

1:19MJ2074

AFFIDAVIT

Your Affiant, Daniel Lajack, being duly sworn, deposes and states:

Your Affiant, Daniel Lajack, is currently employed as a Special Agent of the Lake County Narcotics Agency (LCNA), and has been so since July of 2000. Affiant has been assigned to the DEA Cleveland District Office (Cleveland DO) since October 2016 as a Task Force Officer (TFO). Affiant is an "Investigative or Law Enforcement Officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), and is empowered by law to conduct investigations, and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

Based on facts stated herein, Affiant submits this Affiant in support of a criminal complaint and arrest warrants for FRANK ALTIERI, JAMES CAMPBELL, and DAVID BRUELL, and submits that there is probable cause that FRANK ALTIERI, JAMES CAMPBELL, and DAVID BRUELL have conspired to distribute, and possess with intent to distribute and distribute marijuana and THC, Schedule I controlled substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(C).

TRAINING AND EXPERIENCE

In Affiant's current assignment to the Cleveland DO, Affiant has participated in investigations targeting individuals and organizations committing drug trafficking offenses in the Northern District of Ohio and elsewhere. At all times during the investigation described herein, Affiant has been acting in an official capacity as a TFO with the DEA.

PROBABLE CAUSE

1. The facts outlined herein come from Affiant's personal observations as well as Affiant's discussions with other investigators who were personally involved in this investigation.

2. On April 11, 2019, at approximately 8:30 a.m., Affiant and investigators from the Cleveland DO were conducting a narcotics trafficking investigation in the area of the Holiday Inn Express Cleveland-Airport Hotel, located at 16330 Snow Road, Brookpark, Ohio.

3. At approximately 11:45 a.m., Affiant pulled into the parking lot of the Holiday Inn Express and observed a large white Mercedes Sprinter (cargo) 2500 van with Illinois license plate 442220D, parked directly next to a white Chevrolet Tahoe with New Jersey license plate Y99HSV. As discussed herein, the driver of the cargo van was later identified as FRANK ALTIERI, and the driver of the Tahoe as identified as JAMES CAMPBELL. As Affiant drove by the cargo van and the Tahoe, Affiant observed ALTIERI and CAMPBELL loading large cargo boxes from the van into the Tahoe. As Affiant got closer to the two vehicles, Affiant observed ALTIERI and CAMPBELL, continuously staring in Affiant's direction. Affiant parked his vehicle in the parking lot, and observed ALTIERI and CAMPBELL continuing to watch as they loaded the boxes from the cargo van into the Tahoe. After ALTIERI and CAMPBELL finished loading the Tahoe, Affiant observed them walking towards the entrance of the Holiday Inn Express, while still continuing to watch Affiant's whereabouts. Affiant observed CAMPBELL walk towards the hotel, quickly turn around back towards the Tahoe, and then back again towards the hotel, and then finally back towards the Tahoe, in a short period of time. Affiant believed CAMPBELL was acting very nervous, and may have suspected Affiant was law enforcement and/or that he was being watched. A query of the Tahoe showed it was rented at Cleveland Hopkins Airport on the same date (April 11, 2019) by CAMPBELL, with a return date of April 12, 2019. Based on CAMPBELL and ALTIERI's suspicious behavior, Affiant decided to further investigate.

4. At approximately 11:55 a.m., CAMPBELL departed the hotel parking lot in the Tahoe. Special Agent (SA) Melonie Mague and TFOs Douglas Jopek and Justin Daley continued surveillance on CAMPBELL, while Affiant continued surveillance on the Mercedes cargo van parked at the Holiday Inn Express. Approximately ten minutes after leaving the hotel parking lot, Ohio State Highway Patrol (OSHP) traffic-stopped the Tahoe in the area of 14017 Elsetta Avenue, Cleveland, Ohio. Trooper Dunbar, who conducted the traffic stop, asked CAMPBELL what was being stored in the boxes in the back of the Tahoe. CAMPBELL responded that there were carpet samples in the boxes. CAMPBELL granted verbal consent for Trooper Dunbar to search the boxes. Trooper Dunbar stated that he opened one of the boxes and observed what he believed were carpet

samples inside. The traffic stop was terminated, and CAMPBELL drove away.

5. Following the traffic stop, SA Mague and TFOs Jopek and Daley followed the Tahoe and observed it circle the neighborhood several times. In Affiant's training and experience, this maneuver is a common surveillance counter-measure. Ultimately, the Tahoe drove back to the area near the scene of the traffic stop, and backed into the driveway at 14017 Elsetta Avenue. CAMPBELL was observed sitting in the Tahoe for several minutes before exiting. CAMPBELL left the Tahoe parked in the driveway at 14017 Elsetta Avenue and got into an Uber, without ever entering the home. Again, based on CAMPBELL's suspicious behavior, investigators decided to continue surveillance. A background check on CAMPBELL revealed several drug trafficking convictions from the State of Florida.

6. SA Mague and TFO Daley followed CAMPBELL, in the Uber, to the Crown Plaza Cleveland Airport Hotel, located in Middleburg Heights. TFO Jopek maintained surveillance on the now-unoccupied Tahoe, still parked at the house on Elsetta. Investigators confirmed CAMPBELL checked into the Crown Plaza Hotel on April 10, 2019, with a checkout date of April 12, 2019.

7. During surveillance at 14017 Elsetta Avenue, investigators observed several vehicles pull into the driveway, including a Nissan Altima. At approximately 2:30 p.m., the occupants of the Nissan Altima got out of the car, and gathered around the trunk area of the Tahoe, still parked in the driveway. Investigators were not able to determine at that time if any of the boxes were removed from Tahoe. A short time after, investigators observed the Tahoe (now driven by one of the occupants of the Altima) and the Altima depart the driveway on Elsetta Avenue.

8. Agents found the Tahoe left on the street approximately two blocks away from the house on Elsetta. Investigators conducted a visual check of the Tahoe, and did not observe any boxes inside. Affiant believes the occupants of the Altima removed boxes from the Tahoe and placed them inside the house.

9. Meanwhile, investigators from the High Intensity Drug Trafficking Area (HIDTA) Task Force followed the Altima to the Target parking lot near the intersection of West 117th

and Interstate 90. The Altima parked next to a Ford F150 truck, bearing Ohio license plate HAX7811. This vehicle is registered to Travis Ludwig, who was later identified as the driver. Investigators observed the driver of the Altima take a black garbage bag from the trunk of the Altima and place it in the Ford F150. The driver of the Altima also entered the Ford F150 for several minutes. Afterwards, he returned to the Altima empty handed. Both cars then independently left the parking lot.

10. Investigators maintained surveillance on the Ford F150. A traffic stop was conducted on West 117th Street, Cleveland, Ohio. At that time, Cleveland Police Department (CPD) canine Officer Doug Nichols responded to the scene. His canine, which is trained in the detection of narcotics, alerted on the Ford 150. This alert is an indication that narcotics were present inside the vehicle. A search of the car revealed a black garbage bag. Inside the bag was approximately 5 pounds of a substance consistent in color and appearance with marijuana, based on the responding officer's training and experience.

11. Investigators also found a backpack with an electronic locator attached. Ludwig confirmed the trackers are used by the drug trafficking organization in the event one of the bags containing money are stolen. Ludwig confirmed that the backpack was used to transport drug proceeds. Ludwig explained that in the parking lot, he met with, and paid, DAVID BRUELL \$5,900 for five pounds of marijuana, and he still owed him approximately \$1,600 more to cover the total purchase price of the drugs. Ludwig explained that he has been buying three pounds of marijuana on average from BRUELL approximately one to two times per week. Ludwig owes BRUELL \$36,000 in total for previous drug debts. Ludwig further explained that BRUELL recently moved in with his parents in a home in Pepper Pike, Ohio. Ludwig was released pending further investigation.

12. At the same time Ludwig was being interviewed, investigators from the Cleveland DO observed a Subaru Forester bearing Ohio license plate HQJ8313, arrive at 14017 Elsetta Avenue. The driver, later identified as John Flowers, entered the premises and exited with a black large plastic chest. The chest was placed into the trunk of the Subaru, and Flowers drove the Subaru away. Eventually, a traffic stop was initiated by OSHP Trooper Baker, on Interstate I-71 northbound. A search of the Subaru revealed

a grocery bag containing a large sum of U.S. Currency and approximately 4,800 sealed unit doses/cartridges of THC. The packages contained the letters "THC" on the packaging. Flowers confirmed that the money and THC doses were his. Flowers also stated that he obtained them from his friend who lives off West 140th Street. He did not remember which house. It should be noted that 14017 Elsetta Avenue is near West 140th Street.

13. At approximately 2:35 p.m., as the above events were occurring, Cleveland DO Group Supervisor (GS) Dominick Braccio observed ALTIERI exit the Holiday Inn Express and enter the Mercedes cargo van. Affiant, GS Braccio, and members of the HIDTA Task Force followed ALTIERI as he drove away. ALTIERI drove the cargo van onto Interstate 71 southbound. Affiant requested the assistance of OSHP to conduct a traffic stop on the cargo van.

14. At approximately 2:50 p.m., OSHP Trooper Curt Gelles, conducted a traffic stop on the cargo van on Interstate 71 southbound, near mile marker #207. The traffic stop occurred near Ashland, Ohio. The driver of the cargo van was identified as ALTIERI. OSHP Lieutenant Mark Neff, and OSHP canine Trooper Chad Shell with his canine "Jimmy", Deputy Dave King of the Medina County Sheriff's Office (MCSO), and Officer Ryan Gibbons of the Montville Township Police Department (MTPD) also arrived on scene.

15. Canine "Jimmy" is trained in the detection of the narcotics. Canine "Jimmy" alerted on the cargo van, which indicated the presence of narcotics near the rear of the van. On scene, ALTIERI stated he did not know where he was going or where he was coming from, and also denied he knew what was in the back of the van. ALTIERI stated he did not have access to the rear of the van. ALTIERI was acting very nervous when asked about the van. A search of the van revealed a small sum of currency near the dashboard of the van, and two cell phones on the floor of the van between the driver and passenger seat. A search of the rear of the cargo van located a large blue metal lock box. A search of the metal box revealed numerous large duffle bags and one large plastic bag, all containing a large sum of U.S. currency. Some of it was vacuum-sealed; some were bundled with rubber bands. ALTIERI was taken into custody and subsequently transported to the Cuyahoga County Jail.

16. After the traffic stop on ALTIERI, at approximately 8:15 p.m., SA Mague spoke with CAMPBELL, who also provided written consent to search the room he was renting at the Crown Plaza Cleveland Airport Hotel, located in Middleburg Heights. During the interview, CAMPBELL admitted he came to the Cleveland area to conduct narcotics trafficking activities. CAMPBELL admitted he met with ALTIERI at the Holiday Inn Express, where they transferred numerous boxes containing THC cartridges from the cargo van into his Tahoe. CAMPBELL stated that he then dropped off the Tahoe at 14017 Elsetta Avenue, where he understood the boxes would be removed and picked up. CAMPBELL advised investigators he works on behalf of his best friend, who lives in Boca Raton, Florida. CAMPBELL described this drug operation as "huge." CAMPBELL admitted that he has conducted several trips on behalf of this DTO, and travels between California, the Northern District of Ohio, and elsewhere, dropping off THC cartridges, and picking up money. CAMPBELL was taken into custody and transported to the Cuyahoga County Jail.

17. On the same date (April 11, 2019), investigators from the Cleveland DO, with the assistance of the Northern Ohio Law Enforcement Task Force (NOLETF), were able to secure search warrants from Judge Joe Russo, Court of Common Pleas, Cuyahoga County, Ohio, for 14017 Elsetta Avenue and DAVID BRUELL's current residence at 6 Brandywood Drive, Pepper Pike, Ohio.

18. A subsequent search of 14017 Elsetta Avenue recovered approximately 5,888 THC cartridges, a small amount of marijuana, and a shotgun. A search of 6 Brandywood Drive recovered a large sum of currency (official count pending) and a large amount of THC cartridges (an official count is also pending). Investigators also recovered two keys bearing the name CubeSmart from BRUELL's bedroom, and packaging material commonly associated with drug trafficking. Agents removed an amount of heroin off BRUELL's person. Also, the same Altima seen earlier arriving and departing the Elsetta address and meeting with Ludwig was parked in the driveway of Brandywood Drive. BRUELL was taken into custody and subsequently transported to the Cuyahoga County Jail.

19. During the search of BRUELL's residence, investigators learned that he has two rental units with CubeSmart, one located at 23711 Miles Road, Warrensville Heights, Ohio and

the other at 57 East Chestnut Street, Columbus, Ohio. Search warrants were subsequently obtained for both locations on April 12, 2019. On the same date, investigators executed the search warrants and seized the following: Approximately 16 pounds of suspected marijuana, and dozens of suspected THC oil cartridges (official count pending) from the Warrensville Heights location, and approximately 1,700 from the Columbus location.

20. Affiant is aware that marijuana and THC are Schedule I controlled substances.

CONCLUSION

Based upon the above listed facts and circumstances, Affiant has probable cause to believe, and does believe, that JAMES CAMPBELL, FRANK ALTIERI, and DAVID BRUELL, did knowingly and intentionally conspire to distribute, and possess with intent to distribute, marijuana and THC in the Northern District of Ohio, Eastern Division, in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(C).



Daniel Lajack
Task Force Officer
Drug Enforcement Administration

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1 this 15th day of April, 2019.



David A. Ruiz
United States Magistrate Judge
Northern District of Ohio
Eastern Division